

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MALIBU MEDIA, LLC	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN DOE	:	
SUBSCRIBER ASSIGNED IP ADDRESS	:	
69.249.252.44	:	NO. 13-2864

ORDER

AND NOW, this 31st day of May, 2013, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) The motion of plaintiff Malibu Media, LLC for leave to serve a third party subpoena prior to a rule 26(f) conference (Doc. #6) is GRANTED;

(2) Plaintiff may serve Comcast Cable with a Rule 45 subpoena commanding Comcast Cable to provide plaintiff with the true name, mailing address, telephone number, and e-mail address of the defendant to whom Comcast Cable assigned an internet protocol address as set forth in Exhibit A to the complaint. Plaintiff shall attach to any such subpoena a copy of this Order;

(3) If Comcast Cable qualifies as a "cable operator" as defined by 47 U.S.C. § 522(5), which provides:

the term "cable operator" means any person or group of persons

(A) who provides cable service over a cable system and directly or through one of more affiliates owns a significant interest in such cable system, or

(B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system

then Comcast Cable shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

A cable operator may disclose such [personal identifying] information if the disclosure is... made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed.

by sending a copy of this Order to the defendant;

(4) Comcast Cable shall not require plaintiff to pay a fee in advance of providing the subpoenaed information and shall not require plaintiff to pay a fee for an IP address that is not controlled by Comcast Cable. If necessary, the court shall resolve any disputes between Comcast Cable and plaintiff regarding the reasonableness of the amount proposed to be charged by Comcast Cable after the subpoenaed information is provided to plaintiff; and

(5) Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on Comcast Cable for the purpose of protecting and enforcing plaintiff's rights as set forth in its complaint.

BY THE COURT:

/s/ Harvey Bartle III

J.